



1 This stipulation is entered into between defendant DIAKON LOGISTICS (DELAWARE)  
2 INC., and Plaintiff JOSUE SOTO, by and through their undersigned counsel.

3 1. This action was filed in San Diego Superior Court, case number: 37-2007-  
4 00083029-CU-OE-CTL on December 5, 2007.

5 2. On January 4, 2008, Defendant removed the action to Federal Court.

6 3. On January 11, 2008, Defendant filed an Answer and Counterclaim for Indemnity  
7 against Plaintiff SOTO.

8 4. Plaintiff SOTO'S response to the counterclaim is due to be filed by January 31,  
9 2008.

10 5. On January 28, 2008, Defendant filed a Third-Party Complaint against SAYBE'S  
11 LLC, an entity created on the behalf of Plaintiff SOTO. The Third-Party Complaint contains a  
12 single cause of action for indemnity similar to that alleged in the counter-claim against Plaintiff  
13 SOTO. Although Plaintiff's counsel has agreed to accept service, the Third-Party Complaint has  
14 not yet been served.

15 6. The present matter has been scheduled for an Early Neutral Evaluation Conference  
16 on February 26, 2008.

17 7. Good cause exists for continuing the deadline for Plaintiff SOTO'S response to the  
18 counterclaim to the same date as the response to the Third-Party Complaint as both pleadings  
19 contain the identical cause of action for indemnification and it would be more economical to  
20 handle identical challenges to both pleadings simultaneously.

21 8. On January 28 and 29, 2008, counsel for Plaintiff SOTO and counsel for Defendant  
22 met and conferred regarding a coordination of deadlines to respond to both the counterclaim  
23 against SOTO and the Third-Party Complaint against SAYBE'S LLC. As a result of the meet and  
24 confer, Plaintiff's counsel indicated that they would file responsive pleadings to both claims within  
25 20 days of service of the Third-Party Complaint, but before the ENE Conference.

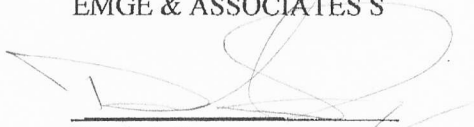
1 Pursuant to Local Rule 7.2, this written stipulation affecting the progress of the case is  
2 hereby filed with the Court, is in the form provided by Local Rule 52.1, and will only be effective  
3 when approved by this Court.

4 Accordingly, it is hereby stipulated by and between the parties hereto, through their  
5 respective counsel, that the Court should issue an order permitting Plaintiff SOTO to file his  
6 response to the pending counterclaim and the newly filed Third-Party Complaint within 20 days of  
7 service of the latter.

8 **IT IS SO STIPULATED**

9 DATED: January 29, 2008

EMGE & ASSOCIATES S

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11 \_\_\_\_\_  
12 Derek J. Emge

13 Attorneys for Plaintiff, JOSUE SOTO, Individually,  
14 on behalf of all others similarly situated, and on  
15 behalf of the General Public.

16 DATED: January 29, 2008

SCOPELITIS, GARVIN, LIGHT, HANSON &  
FEARY LLC

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18 \_\_\_\_\_  
19 Christopher C. McNatt, Jr.

20 Attorneys for Defendant, DIAKON LOGISTICS  
21 (DELAWARE) INC.